

REMARKS

Reconsideration of the Office Action of September 2, 2004 is respectfully requested.

Applicant acknowledges with appreciation the Examiner's confirmation that claims 4-5, 7-15, 18, 23-27, 29-30, 34-35 stand in condition for allowance. As seen from the discussion below, however, it is respectfully submitted that all pending claims stand in condition for allowance.

Claims 1-3, 6, 16-17, 19-22, 28, 31-33, 36-46 were rejected under 35 U.S.C. § 102(b) based on Sperry '740. Amongst the rejected claims, claims 1, 20, 28, 36, 40 and 44 represent independent claims and thus the focus of the following discussion is on these claims.

In the rejection of claim 1, there is indicated that Sperry discloses a mixing module positioner adjustably supported by the dispenser housing between a mixing module hold position and a mixing module access position. Reference is made to column 27, lines 60-67 of Sperry in support of this rejection. These referenced lines read as follows –

“As shown in FIGS. 13-15, front section 220 features an elongated segment 221 designed to correspond in cross-sectional shape with the configuration of the opening 153 which is multi-sided in the illustrated embodiment to help maintain relative positioning by avoiding relative rotation of member 218 with respect to main body 148 and to facilitate alignment of ports in the housing with ports in member 218.”

Based on the forgoing reference, it would appear that reliance is being placed on the hexagonal or multi-sided relationship between section 222 of “mixing chamber defining member” 218. However, the claim refers to “a mixing module positioner adjustably supported by the dispenser housing between a mixing module hold position and a mixing module access position”.

Within the referenced Sperry et al. disclosure, there is lacking a positioner for a mixing module that is adjustably supported by the dispenser for movement between the two noted modes. Thus, it is respectfully submitted that the drop-in mixing chamber member with above positioned pressure chamber fails to read on the claimed invention.

In view of the foregoing, it is respectfully submitted that original claim 1 and its dependents stand in condition for allowance.

Independent claim 20, which includes the phrase “a pivotable door pivotably supported by said dispenser body and movable between a mixing module hold position and a mixing module access position,” was rejected as being anticipated by Sperry ‘740. In the discussion accompanying the rejection, there is indicated that Sperry describes “a pivotable door pivotably supported by the dispenser body with reference being made to col. 43, lines 5-34. A review of those lines reveals that the only pivotable member is the trigger 374 which is used for electrical activation of a valved fluid conduit extending through the hand grip mounting block to which the dispenser main body 148 is secured by way of multiple screws. There is thus lacking any component that represents “a pivotable door” as set out in claim 20, and reference to the hand gun trigger handle is submitted to not meet this claim feature. Accordingly, claim 20 and its dependent are respectfully submitted to be in error.

As to claim 28, claim 28 refers to a latch having a first part which contacts the closure device to maintain it in a mixing module hold position.

There is respectfully submitted not to be a component in Sperry ‘740 which meets the above noted feature of claim 28, and thus withdrawal of the rejection is respectfully requested. Also, claim 28 has been amended to correct “closure door” to read -- closure device --.

As to claim 36, reference is made to the discussion above concerning claim 20 which is applicable here as well; in that, Sperry '740 fails to describe a mixing module hold or access closure device pivotable between the noted mixing module hold position and mixing module access position.

In the rejection of claim 40, reference is made in the Office Action that the Sperry '740 device would perform the method described in claim 40-46 with claims 40 and 44 representing independent claims within that group. Claim 40 references the access mode to hold down mode of the mixing mode achieved by single finger activation of the locking means. This method of accommodating a mixing module is not met by the high pressure spring retainer having enlarged heads at opposite ends, which retainer is used in the 100psi dispenser rod piston reciprocation system in Sperry '740, and thus does not represent a single finger activation system.

In the present amendment, claim 44 has been canceled while claims 45 and 46 have each been rewritten in independent form with claim 45 referencing a finger flipping of a lever and claim 46 pivoting a closure device from mixing module contact mode to release mode. Sperry '740 does not disclose or suggest such features.

In view of the foregoing, it is respectfully submitted that claims 45 and 46 are patentable over Sperry '740.

* * *

Applicant respectfully submits that this Amendment and the above remarks obviate all of the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C.F.R. § 1.16 or 1.17 are due in connection with this filing that are

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not accounted for, please charge the fees to Deposit Account No. 02-4300, Order No.
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Respectfully submitted,
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